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Commission on Narcotic Drugs
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Agenda item 5
Implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem: follow-up to the high-level review by the Commission on Narcotic Drugs, in view of the special session of the General Assembly on the world drug problem to be held in 2016

Australia, El Salvador, Germany, Greece, Lithuania, Mexico, United States of America and Uruguay: revised draft resolution

Supporting the collaboration of public health and justice authorities in pursuing alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature

The Commission on Narcotic Drugs,

Aware that substance use disorders are medical and psychosocial conditions that should receive appropriate treatment,

Aware also that a significant number of persons with substance use disorders come into contact with the criminal justice system and may not have access to or be receiving care or treatment,

Recalling General Assembly resolution 69/192 of 18 December 2014, in which the Assembly recommended that Member States continue to endeavour to reduce prison overcrowding and, where appropriate, resort to non-custodial measures as alternatives to pretrial detention, to promote increased access to justice and legal defence mechanisms, to reinforce alternatives to imprisonment and to support rehabilitation and reintegration programmes, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[1]

[1] General Assembly resolution 45/110, annex.

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Reminding Member States of the possibility of providing alternative measures, including non-custodial measures, at the pretrial, trial and sentencing stages for drug-related offences of a minor nature, in accordance with the Tokyo Rules,

Noting that such alternative measures to conviction or punishment may normally be applied to drug-related offences of a minor, non-violent nature,

Noting also that properly implemented, scientific evidence-based interventions and drug treatment for such individuals may assist in their recovery from substance use disorders, reduce the likelihood of future illegal activities and promote effective health and rehabilitation outcomes,

Recalling that the Single Convention on Narcotic Drugs of 1961,[2] the Convention on Psychotropic Substances of 1971[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[4] establish, to varying degrees in specific situations, that States may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that drug-using offenders should be offered measures such as treatment, education, aftercare, rehabilitation or social reintegration,

Recalling also that in the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem[5] it is stated that Member States should, working within their legal frameworks and in compliance with applicable international law, consider allowing the full implementation of drug dependence treatment and care options for offenders, in particular, when appropriate, providing treatment as an alternative to incarceration,

Recalling further Commission on Narcotic Drugs resolution 55/12 of 16 March 2012, entitled "Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety",

Recalling that the world drug problem remains a common and shared responsibility that requires effective and increased international cooperation and demands an integrated, multidisciplinary, mutually reinforcing and balanced approach to drug supply and demand reduction strategies,

Noting that providing effective alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature may reduce prison overcrowding,

Recalling the principle that it is the responsibility of States to define crimes and determine appropriate punishment,

Noting the provision of arrange of comprehensive health services for those affected by substance use disorders implemented through components of the justice system, for example screening and treatment for substance use disorders, prevention and treatment of overdose, recovery support services, prevention of and treatment for HIV, hepatitis and other infectious diseases, and mental health disorders, in

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[2] United Nations, *Treaty Series*, vol. 520, No. 7515, art. 36, para. 1 (a) and (b), and art. 38.

[3] Ibid., vol. 1019, No. 14956, art. 20 and art. 22, para. 1 (b).

[4] Ibid., vol. 1582, No. 27627, art. 3, para. 4 (c) and (d).

[5] See *Official Records of the Economic and Social Council, 2009, Supplement No. 8* (E/2009/28), chap. I, sect. C.

order to minimize the negative public health and social impacts of substance use disorders,

Noting also the provision of comprehensive health services combined with alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature,[6] for example reduced or suspended sentences, diversion programmes before or during trial, home detention, community service, fines, victim restitution, random drug testing and/or tracking via the Global Positioning System, in order to develop an effective combination of limited sanctions and treatment that may result in more effective crime reduction, better health outcomes and lower costs to the State,

Noting further that some Member States have public health care and rehabilitation programmes that are accessible to all, and are able to grant access to those health services to individuals within the criminal justice system,

Noting that, by working together, the public health and criminal justice authorities can better utilize resources to benefit the health, safety and well-being of those with substance use disorders, their families and their communities,

Mindful that justice and health authorities in Member States may wish to build capacity to provide scientific evidence-based public health services, such as behavioural and medication-assisted drug treatment, and recovery support services, in order to effectively implement alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature,

Welcoming the ongoing work of the United Nations Office on Drugs and Crime in promoting scientific evidence-based sentencing reforms, drug treatment and recovery support services,

1. *Invites* Member States, through collaboration between the health and justice authorities, to use a wide range of alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature in order to improve public health and safety for individuals, families and societies;

2. *Encourages* Member States to develop or adopt alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature that promote the rehabilitation and reintegration into society of persons affected by substance use disorders who have committed drug-related offences of a minor nature, as appropriate;

3. *Invites* Member States to strengthen their efforts to provide appropriate measures aimed at reducing demand for drugs and promoting public health, in particular for those convicted of drug-related offences of a minor nature, by offering alternative measures to conviction or punishment, in appropriate cases, bearing in mind the specific conditions of each country and region;

4. *Encourages* Member States and international and regional organizations to collect and share, as appropriate, scientific information, research, best practices and data on results of collaboration between the justice and public health authorities

[6] See United Nations Office of Drugs and Crime, *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series (United Nations, New York, 2007).

in the use of alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature;

5. *Encourages* public health and justice authorities to establish appropriate mechanisms to promote effective collaboration, regular communication and exchange of information on the implementation of alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature and on the provision of treatment, rehabilitation and social reintegration programmes and their impact on crime and the misuse of drugs;

6. *Encourages* Member States to provide capacity-building, including training for justice officials, on substance use disorders and the effectiveness of scientific evidence-based treatment in order to minimize the negative public health and social impacts and to promote humane and effective treatment to offenders affected by substance use disorders;

7. *Invites* Member States, in cooperation with the United Nations Office on Drugs and Crime and other relevant international and regional organizations, to provide, upon request, technical assistance and training related to expanding and improving justice and public health collaboration for effective implementation of alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature, inter alia, the provision of treatment, rehabilitation and social reintegration programmes;

8. *Also invites* Member States to consider reviewing their drug sentencing policies and practices to facilitate collaboration between justice and public health authorities in the development and implementation of initiatives that utilize alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature, subject to the legal frameworks of Member States;

9. *Invites* the United Nations Office on Drugs and Crime, in consultation with Member States and, as appropriate, relevant international and regional organizations, to provide guidelines and/or tools on the collaboration of justice and health authorities on alternative measures to conviction or punishment for appropriate drug-related offences of a minor nature;

10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

11. *Invites* the Executive Director of the United Nations Office on Drugs and Crime to include progress towards implementing the present resolution in his report to the Commission at its sixtieth session.